

Advisor:	Lindsey Gray
Police Services Board:	Ottawa
Date and Time of Board Meeting:	February 5, 2022

Public Meeting

ONGOING DEMONSTRATIONS AND THE PROVISION OF ADEQUATE AND EFFECTIVE POLICING

- Chair Deans commented that the city is under siege and this is a threat to democracy, a nation-wide insurrection; the current situation is “madness” and stated that there needs to be a concrete plan to end this now.
- Chair Deans stated that the meeting was called to ask the chief one question – in accordance with the mandate for the delivery of adequate and effective policing, she asked the chief if he believes he is still able to provide, given the fluid nature of the occupation, adequate and effective policing to the city of Ottawa.
- If not, the Chair asked what legal authorities, what resources from the board or what assistance the board can provide at this time.
- The Chief committed to lay out where the service is at and what their plan is. He did comment that there is nothing in the definition of adequate and effective policing that could resolve a city under siege, a threatened democracy, a nation-wide insurrection. He further commented that a police service is not created/contemplated to deal with a city under siege and as such, there is not necessarily a concrete plan for such a scenario as described. However, the Chief committed to provide the best update he could with the plan the service had.
- The Chief commented that this is an unprecedented time. Since this morning, there has been an influx of demonstrations. As of 1:30 p.m., there were 1000+ vehicles, 5000+ demonstrators around parliament hill and downtown, as well as counter-demonstrators between Elgin St and City Hall.
- The Chief also shared that every member on active duty is on-shift, no active member is off right now.
- With respect to the latest acceleration of efforts to be responsive to the situation, it is a multi-pronged approach:
 1. Deploying surge of officers in downtown neighbourhoods, dedicated to patrolling, and enforcing threatening behaviour.
 - Centretown, Lowertown and Byward Market
 - Through the dayshift, there were 25 officers. Nightshift increased to 50-70 officers and by 10 a.m. this morning there were 70 officers deployed in the surge. Over 24 hours, the 150 officers announced equates to 20-25 officers in any given neighbourhood at any given point in the day. The Chief reiterated that this is a major commitment of dedicated resources to these neighbourhoods.

2. Create no-access roadways as a commitment between the service and the city.

- The Chief also discussed the efforts that had gone into shutting down the GoFundMe program, an effort between the city and legal counsel. There is also movement to go after supplies and fuel through intelligence activities.
- The Chief stated that the service is doing everything in its power under the PSA the way it's been designed.
- He acknowledged tremendous support from the OPP and the RCMP along with at least seven municipal services who have sent officers to support the response. However, there is still a need for additional assistance.
- In the short term, the Chief shared that they need an additional surge of resources, to support maintenance of the surge response and the ability of the service to support days off.
- Longer term: The Chief commented that something has changed in the democratic fabric of the nation and that there needs to be an anticipation that this will happen again.
- The Chief stated that he would like to explain more about the operational approaches but also needs to balance the integrity of certain operational aspects.
- The Chief turned the update over to Deputy Chief Bell who shared more information from an intelligence and enforcement perspective:
 - 400+ calls for service
 - 50+ criminal investigations, including 11 hate crime investigations, resulting thus far in charges of four people, seven different charges
- There was some discussion about how to leverage the existing/"old" legislative framework to end this and the need for increased legal support, increased resources for fining, ticketing.
- The Chief commented that the PSA cannot adequately and effectively address this circumstance but that the service will continue to do its very best with the support of all involved.
- There was an acknowledgement that there are not sufficient resources locally to get the occupation under control.
- A board member asked a question about Charter rights around movement of vehicles. There was also some discussion about increased concern around the presence of vehicles in residential areas and whether there could be a focus on bylaws around idling trucks and the noise of their horns.
- There was reference to the injunction that has been sought, but that it won't be heard until 1 p.m. on Monday.
- Member King commented that from his perspective, the surge and contain strategy hasn't resulted in a meaningful increase of officers in many neighbourhoods. Further, there is a strong public perception that there is a different policing standard being applied to this protest than others that have occurred in the city.
- Chief Sloly discussed efforts but also clarified that most of all, beyond local efforts, there needs to be a solution that is beyond a policing response. It is a societal issue and solution.
- There was some discussion from a board member about whether the board should direct the chair to take a position with the federal and provincial governments.

- Chair Deans suggested she would likely do this anyway but was happy to take direction if the board felt inclined to do so. She stated she would ask both governments to use the levers available to them to bring the situation under control.
- Chair Deans also asked the Chief to provide a final list of additional asks of the board by noon the next day.
- Lastly the Chair sought, and received, board approval for delegated authority to approve resource requirements of the OPS related to ongoing demonstrations.

APPOINTMENT OF SPECIAL CONSTABLES: RCMP

That the Ottawa Police Services Board approve the appointment of 257 RCMP employees as the need arises through this event, pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the attached Approval of Appointment Letter.

CARRIED as amended

- The request was initially for ~60 appointments but during the meeting, the request was increased to 257 appointments.

In-Camera Session [All Material Below is Confidential and not for Public Distribution]

Contentious Items/Items of Interest

- Chair asked the Chief what he needs exactly, what the service isn't doing right now that needs to be done.
- The Chief stated that they are doing everything. It's the relative effect of everything they're doing that is the question. Some of this can be solved with more resources, some of this needs new legislation, some requires work involving all three levels of government, and some of it no one has figured it out.
- The Chair asked if there is a need to ask for national state of emergency.
 - The Chief responded that this would relate back to military aid to civil power. This is a conversation that has been had several times. There is no reasonable way this can be invoked here. That is a federal decision that is outside of the scope of their control.
- The Chief discussed how he has sought perspectives on the use of an injunction and the consensus is a recommendation against that route. It comes back to a consideration of whether arresting people will solve more problems than it creates.
- Member Swaita asked if there is something that can be done with the main group of protestors that can help contain this.
 - A/Deputy Chief Ferguson shared that a couple of days ago they brought in a mental health specialist who is helping the PLTs and making great strides through negotiation to get most folks out of confederation park.
- Member Nirman asked about the use of leveraging section 64 of the Criminal Code around unlawful assembly, something that was used by the Vancouver Police after the Stanley Cup riots, which was upheld in the court.
 - David White, counsel clarified that he could not advise the police on the use of their legal powers. There are limits to what the municipality can do and what steps to take but there needs to be recognition that whatever legal levers you choose to apply, it all comes back to how it will be deployed from an operational perspective. Having the ability/authority to do it may not necessarily be advisable.
 - The Chief added that the response in Vancouver was a technique in response to a flash mob riot. It was a response that worked for that type of situation but that is not comparable to the situation here. He shared that some protestors are not concerned about losing their jobs, about being issued a bylaw offences ticket. For some, being arrested is a cause they are willing to be part of.
- The Chief shared that the service is exploring different operational options and will implement once there is confidence of a workable solution.
- Member Smallwood asked if there is a sense that of any balance, where protests can continue but residents can get back to their life.

- The Chief responded that there are areas where they're starting to see some room for movement but still lots of big areas that they can't control/reasonably control at this point.
- The Chief shared that the negotiation willingness of the federal government has been a big boost over the last 48 hours, with room for opportunity from a provincial perspective. The Chief suggested that the role of each government in making an impact would be ranked in order: provincial, federal, municipal, from his perspective.